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#5

S/N 09/895,871

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Fang et al.	Examiner:	Unknown	RECEIVED JAN 31 2002 OFFICE OF PETITIONS
Serial No.:	09/895,871	Group Art Unit:	1645	
Filed:	June 29, 2001	Docket No.:	13615.21USU1	
Title:	COMPOUNDS TO TREAT ALZHEIMER'S DISEASE			

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on November 15, 2001.

Victoria Hanson
By: Victoria Hanson

Repln. Ref: 07/02/2002 AKELLEY 0012222200
DAW:132725 Name/Number:09895871
FC: 704 \$130.00 CR

PETITION UNDER 37 CFR 1.53(e)

BOX DAC
Assistant Commissioner for Patents
Washington, D.C. 20231

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Adjustment date: 07/02/2002 AKELLEY
01709/2002 MBERHE 00000004 09895871
01 FC:122 Dear Sir: -130.00 OP

In accordance with the provisions of 37 C.F.R. §1.53(e), it is respectfully requested that page 50 of the specification of the above identified application be considered as timely filed with the entirety of the application filed on June 29, 2001. Applicants enclose herewith a petition fee of \$130.00 as required by 37 C.F.R. 1.17(h). Applicants also enclose evidence, in the form of a date stamped postcard indicating the receipt of 97 pages of specification.

Applicants filed the application entitled COMPOUNDS TO TREAT ALZHEIMER'S DISEASE on June 29, 2001 by Express Mail, with the mailing label number EL650063027US. The transmittals and the postcard that accompanied the application indicated that the application included 97 pages of specification. The standard practice of Applicants' Representative when filing an application is to make a photocopy for the file before the application is deposited with

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the USPS. This standard practice was abided by, and the file copy created has 97 pages of specification, as the transmittals and postcard indicate the original had. These 97 pages of photocopied specification include page 50.

According to a Notice of Missing Parts mailed from the USPTO on September 19, 2001 page 50 of the specification appeared to have been omitted from the application.

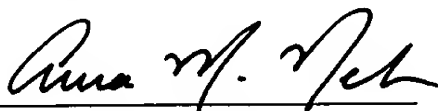
Applicants respectfully contend that page 50 was in fact deposited with the USPTO along with the application papers. In support thereof, Applicants offer the standard practice of Applicants' Representative and the existing page 50 in Applicants' Representative's file copy. Applicants also offer *prima facie* evidence of this fact through submission of a copy of the date stamped post card receipt from the USPTO. The date stamped post card indicates that the USPTO acknowledged receiving 97 pages of specification, which had been deposited on June 29, 2001 with Express Mail, label EL650063027US.

Based on the above, Applicants respectfully request the grant of this petition under 37 C.F.R. §1.53(e) considering page 50 of the specification as timely filed along with the entirety of the application filed on June 29, 2001 and later given the serial number 09/895,871. A copy of page 50, as originally filed accompanies this petition.

Respectfully submitted,
MERCHANT & GOULD P.C.
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612.332.5300

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Date: November 15, 2001


By: Anna M. Nelson
Reg. No.: 48,935
AMN/vh





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Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:
Applicant: Lawrence Y. Fang, Roy Hom, Varghese John, Michel Maillaird
For: COMPOUNDS TO TREAT ALZHEIMER'S DISEASE
Docket No.: 13615.21USU1

Express Mail No.: EL650063027US
Date of Deposit: June 29, 2001

- ☒ Transmittal sheet, in duplicate, containing Certificate under 37 CFR 1.10.
- ☒ Utility Patent Application: Spec. 97 pgs; 76 claims; Abstract 1 pgs.;
- ☒ An unsigned Combined Declaration and Power of Attorney
- ☒ Other: Sequence ID (4 pages and diskette)
- ☒ Return postcard
- ☒ PAYMENT OF THE FILING FEE IS BEING DEFERRED.

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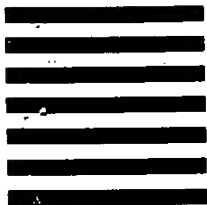
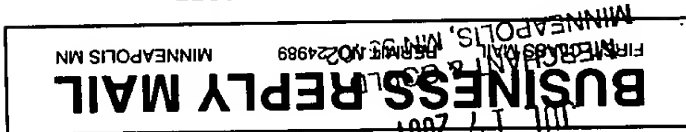
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Merchant & Gould P.C.

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